

TENNESSEE STATE BOARD OF EDUCATION	
ESL PROGRAM POLICY	3.207

The English as a Second Language (ESL) Program Policy is designed to set minimum standards for Tennessee school districts in providing services to non-English language background (NELB) students who are also limited English proficient (LEP). These students are referred to as English Language Learners (ELLs).

States, districts, and schools are required to provide specialized programs for LEP students to comply with Title VI of the Civil Rights Act of 1965 and T.C.A 4-21-90. This ESL policy has two purposes. First, it establishes the minimum required compliance components for ESL programs in Tennessee. Second, it provides a framework for implementing effective educational programs for ELLs. The policy includes these components: anti-discriminatory policies and practices, identification of English Language Learners, parental notification and rights, service delivery models, and staffing ratios. The appendix includes the definitions of many of the terms used in this policy.

Anti-Discrimination Policies and Practices

To comply with Title VI of the Civil Rights Act of 1965, T.C.A 4-21-90, and the Equal Educational Opportunities Act of 1974, all school districts must have anti-discriminatory policies which preclude denial of equal education opportunities to individuals based on race, color, or national origin. To comply with anti-discriminatory policies, district practices must not result in the inappropriate placement of ELLs in or exclusion from special opportunity programs or activities based on English language proficiency or national origin.

Identification of English Language Learners

To comply with the ESL program policy, school districts must identify ELLs by following these two steps.

STEP 1: School districts administer the Home Language Survey to all students in the district. The Home Language Survey consists of three questions that will be asked of every parent enrolling his/her child in the school district. These questions are:

1. What is the first language your child learned to speak?
2. What language does your child speak most often outside of school?
3. What language do people usually speak in your child's home?

If the answer to any of the above questions is a language other than English, the child will be classified as Non-English Language Background (NELB) and assessed for English proficiency.

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STEP 2: Unless an NELB student has documentation from a previous district of meeting the definition of Fluent English Proficient (FEP), school districts assess all NELB students with the state approved English language proficiency test to determine whether they are limited English proficient (LEP). All NELB students who are determined to be LEP must be identified as ELL and must receive ESL services through an allowable service delivery model.

Parental Notification and Rights

School districts shall communicate information to all parents in the language that the parent can understand, to the extent practicable. Parents of ELLs have the right to refuse placement of their children in ESL programs.

Service Delivery Models

An alternative language program for ELLs, known as English as a Second Language, is defined in Tennessee Rules and Regulations as "English instruction especially designed for speakers of other languages" [Rule 0520-1-3-.056. a. 1 and 2 ii.]. An ESL program may be provided through various service delivery models including: ESL pull-out programs, ESL cluster centers to which students are transported from their zone schools, resource centers/ESL laboratories, structured immersion classes, or scheduled ESL class periods. The Department of Education must approve other models based on the available evidence of their effectiveness. All models must address how academic deficits that are the result of students' limited English proficiency will be remediated.

An endorsed ESL teacher must provide direct daily services, or the equivalent, to beginning and intermediate level ELLs using the state approved ESL curriculum. Transitional ELL students are at the advanced level and may be mainstreamed in the regular classroom without ESL support. The district must monitor students' progress for two years after they have exited from ESL services. If students are not successful in the regular curriculum without ESL support, the district must design a support program that provides them with the necessary skills.

At the high school level, districts shall use one course code for all ESL course work. Two ESL credits may be counted toward the four English credits required for graduation. Additional ESL courses shall be counted as elective credits. It is recommended that ELL students achieve the intermediate level on the English language proficiency test before taking a regular English course.

To receive a regular diploma, ELLs must pass all Gateway exams. However, as determined on an individual basis, an ELL may take up to five years and a summer to receive a regular diploma and still be counted in a school's or

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district's graduation rate for accountability purposes under the No Child Left Behind Act of 2001.

Staffing Ratios

Appropriate staffing of ESL programs is based on two criteria. First, districts will provide adequate ESL faculty to implement the chosen service delivery model effectively, as documented by the progress in English language proficiency and academic content of their ESL students. Second, districts will adequately staff their ESL programs to meet all compliance requirements, including but not limited to, communication to parents, identification of English language learners, and monitoring of transitional ELLs.

To meet the two criteria of effective and compliant ESL programs, districts shall implement ESL programs based on the following staffing ratio standards:

- ESL class sizes shall not exceed state mandated grade level class size requirements; and,
- The district-wide ESL program staffing ratio shall be based on an average of no more than 50 identified ELL students per full-time ESL endorsed teacher unless an alternate staffing ratio is approved by the Department of Education.

Districts seeking approval for an alternate district-wide staffing ratio shall provide the following information annually to the Department of Education:

- The number of ELLs;
- The proficiency levels of ELLs;
- The most recent adequate yearly progress determinations for the ELL subgroup in Reading/Language Arts and mathematics;
- The proposed staffing ratio that will be used in place of the recommended 50 to 1 ratio; and,
- The justification for the alternate staffing ratio.

Attachments:

Definition of Terms

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Definitions for English as a Second Language Programs:

Beginning/intermediate English Language Learner (ELL) students - non-English language background students who have been administered the English language proficiency assessment and scored below proficient, and are thereby entitled to ESL services.

English Language Learners (ELL) [formerly Limited English Proficient (LEP)]-non-English language background students who have problems meeting the same high educational standards set by the state as their English-speaking counterparts because of a lower level of proficiency in English, and have difficulty in the regular classroom because of limited English proficiency. ELL students have not yet met the definition of fluent English proficient (FEP).

English as a Second Language (ESL) - English as a second language courses which meet Tennessee Rules and Regulations [Rule 0520-1-3-.056.(a). 1 and 2 (iii)] as 'English instruction especially designed for speakers of other languages'. In Tennessee, a teacher providing ESL instruction must have an ESL endorsement.

Fluent English Proficient (FEP) - non-English language background students who show no difficulty in regular classroom performance and meet one of the following criteria:

1. Upon initial enrollment in a Tennessee public school, scored proficient or advanced on the state approved English language proficiency test;
2. initially qualified as ELL based on the state approved English language proficiency assessment, received ESL services, and have now scored proficient or advanced for two (2) consecutive years on the TCAP assessment for reading/language arts; or,
3. demonstrated the ability to meet the state's proficient or above proficient level of achievement on state assessments for reading and language arts.

Home Language Survey - the questions asked of all students within the school district to determine whether or not students are non-English language background. The recommended questions are:

1. What is the first language your child learned to speak?
2. What language does your child speak most often outside of school?
3. What language do people usually speak in your child's home?

Limited English Proficient (LEP) - non-English language background students who have problems meeting the same high educational standards set by the

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state as their English-speaking counterparts because of a lower level of proficiency in English, and have difficulty in the regular classroom because of limited English proficiency. Now referred to as English language learners (ELL), ELL students have not yet met the definition of fluent English proficient (FEP). National Origin Minority- (NOM) – a student whose background is from a country other than the United States, but who may speak English as a primary home language.

Non-English Language Background (NELB) - a student whose answer to any of the questions on the home language survey is a language other than English.

Transitional LEP Students (T1, T2) - Non-English language background students, who are classified as ELL, have scored fluent proficient or above on the state approved English language proficiency assessment, and are being monitored for progress without ESL support. Transitional students must score proficient or above on the TCAP assessment for reading/language arts for 2 consecutive years to be classified as fluent English proficient.